

Applicant: Ernst Gerber
Application Serial No.: 10/088,070
Filing Date: March 8, 2002
Docket No.: 753-11 PCT/US/RCE
Page 4

REMARKS

Reconsideration of the application as amended is respectfully requested.

Claims 6-12 are in the application. Claim 6 has been amended and new claim 12 has been added.

In the Official Action, the Examiner rejected claims 6-9 under 35 U.S.C. §102(b) as being allegedly anticipated by JP 2-41807 (hereinafter "the Japanese patent").

The Japanese patent is directed to a machine tool spindle 10 having a ceramic sleeve 11 disposed in an opening in an end thereof. The ceramic sleeve 11 includes a tapered bore for holding a tool holder.

Claim 6 is directed to a heat shrink tool holder for "being inserted into a machine spindle and for holding a tool shank or machine part". The tool holder comprises "a body having an axial bore" and "a sleeve fitting in the axial bore of the body". Further, "the sleeve having a second bore to fit onto and contact the tool shank or part, the second bore being generally cylindrical, wherein the sleeve is a reducing sleeve that transfers a holding action exerted by the body in its cold state to the tool shank or part."

Applicant: Ernst Gerber
Application Serial No.: 10/088,070
Filing Date: March 8, 2002
Docket No.: 753-11 PCT/US/RCE
Page 5

The Examiner has asserted that the ceramic sleeve 11 in the Japanese patent corresponds to the sleeve recited in claim 6. The ceramic sleeve 11, however, includes a tapered bore for receiving a tool holder. In contrast, the second bore of the sleeve in claim 6 is specified to be generally cylindrical. There is no disclosure or suggestion in the Japanese patent to form the ceramic sleeve 11 with a cylindrical bore, rather than a tapered bore. It is respectfully submitted that claim 6, along with dependent claims 7-9 and 12, are patentable over the Japanese patent.

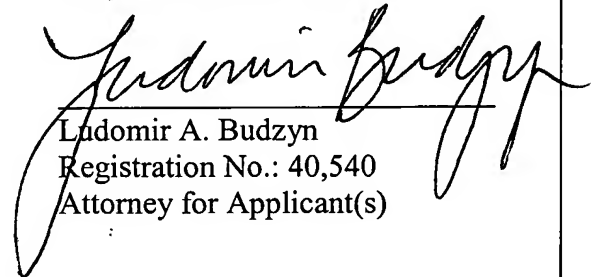
The Examiner also rejected claims 10-11 under 35 U.S.C. §103(a) as being unpatentable over the Japanese patent. The Examiner acknowledged that the Japanese patent is silent about the material of the body 10 and the tool shank or part to be held in the bore of the ceramic sleeve 11. The Examiner asserted that it would have been obvious to one skilled in the art to have formed "the spindle out of tool steel as is commonly known and done in the art".

Claims 10 and 11 depend from claim 1. For the reasons noted above, and as dependent claims, it is respectfully submitted that claims 10 and 11 are also patentable.

Applicant: Ernst Gerber
Application Serial No.: 10/088,070
Filing Date: March 8, 2002
Docket No.: 753-11 PCT/US/RCE
Page 6

Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicant's attorney at the number listed below.

Respectfully submitted,



Ludomir A. Budzyn
Registration No.: 40,540
Attorney for Applicant(s)

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700